

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

NOBLE COUNTY, OHIO
BY THE NOBLE COUNTY
COMMISSIONERS,

Plaintiffs,

v.

CARDINAL HEALTH, INC., et al.,

Defendants.

Case No. 2:18-cv-1379
CHIEF JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Elizabeth Preston Deavers

OPINION AND ORDER

This matter is before the Court on Plaintiff Noble County, Ohio's, by the Noble County Commissioners' ("Plaintiff"), Emergency Omnibus Motion to Remand (ECF No. 26); Defendant Mylan Bertek Pharmaceuticals, Inc's ("Mylan Bertek") Response in Support of Plaintiff's Motion (ECF No. 32); Defendant CVS Indiana L.L.C.'s Response in Opposition (ECF No. 33); Mylan Bertek's Supplemental Memorandum in Support (ECF No. 34); and Plaintiff's Reply (ECF No. 35). Plaintiffs have also requested oral argument. For the reasons that follow, the Court **DENIES** Plaintiff's Motion (ECF No. 26).

A motion to remand can be decided by the transferee court. *See e.g., In re Ivy*, 901 F.2d 7 (2d Cir. 1990); *In re Air Crash Disaster at Fla. Everglades on Dec. 29, 1972*, 368 F. Supp. 812, 813 (J.P.M.L. 1973); *In re Prudential Ins. Co. of Am. Sales of Practices Litig.*, 170 F. Supp. 2d 1346, 1347 (J.P.M.L. 2001); *In re Gadolinium Contrast Dyes Prods. Liab. Litig.*, MDL No. 1909, 2012 WL 7807340, at *1 (J.P.M.L. Apr. 16, 2012). Plaintiff's jurisdictional concern is capable of arising in several of these prescription opioid cases across the country. *See e.g. In re Ivy*, 901 F.2d at 9; *see also In re Nat'l Prescription Opiate Litig.*, No. 1:17-md-2804, ECF No. 130 "Order

Regarding Remands" (N.D. Ohio Feb. 16, 2018). As such, this Court declines to rule on the merits of Plaintiff's Motion to Remand and defers that decision to Judge Polster, who is presiding over the National Prescription Opiate Multidistrict Litigation taking place in the Northern District of Ohio, or to the Judicial Panel on Multidistrict Litigation to determine where the case should be.

See generally In re Nat'l Prescription Opiate Litig., 290 F. Supp. 3d 1375 (J.P.M.L. 2017).

The Court also finds that oral argument is not essential to the fair resolution of this matter.

See S. D. Ohio Civ. R. 7.1(b)(2). Therefore, the Court **DENIES** Plaintiff's request for oral argument.

IT IS SO ORDERED

12-14-2018
DATE


~~EDMUND A. SARGUS, JR.~~
CHIEF UNITED STATES DISTRICT JUDGE